



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 20, 2019

Shawn Musgrave  
MuckRock News  
Dept MR 15851  
411A Highland Ave  
Somerville, MA 02144

Subject:     OIG Freedom of Information Act Request No. 2015-087  
              Final Response

Dear Mr. Musgrave:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated January 29, 2015, seeking "all communications and correspondence (including emails with all attachments) sent to or from the DHS OIG office regarding the classification of information within OIG-15-18, 'Audit of Security Controls for DHS Information Systems at John F. Kennedy International Airport,' as Sensitive Security Information." Your request was received in this office on January 29, 2015.

DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. In response to your request, a search of the DHS-OIG Office of Information Technology (ITD) was conducted. That search resulted in the enclosed records responsive to your request. We reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

248 page(s) are released in full (RIF);  
62 page(s) are released in part (RIP);  
3 page(s) are withheld in full (WIF);  
72 page(s) are duplicate copies of material already processed;  
60 page(s) were referred to another entity.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemptions (b)(5), (b)(6) and (b)(7)(C) of the FOIA further discussed below.

#### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the attorney work product privilege of Exemption 5 to protect information that falls within that privilege’s domain. Please note that as a matter of administrative discretion, I am releasing certain information that falls under the umbrella of this exemption.

#### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect the names of government employees and any information that could reasonably be expected to identify such individuals.

#### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the identities of government employees, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

## **Referral**

Additionally, 60 pages have been referred to Transportation Security Administration (TSA), a DHS component. TSA will process the record under the FOIA and respond to you directly. Should you wish to contact TSA you may write to:

U.S. Department of Homeland Security (DHS)  
Transportation Security Administration (TSA)  
FOIA Officer  
Freedom of Information Act (FOIA) Branch  
701 S. 12<sup>th</sup> Street  
Arlington, VA 20598-6020

or you may call 571-227-2300.

## **Appeal**

You have the right to appeal this response.<sup>1</sup> Your appeal must be in writing and received within 90 days of the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the DHS-OIG's response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

## **Assistance and Dispute Resolution Services**

Should you need assistance with your request, you may contact DHS-OIG's FOIA Public Liaison. You may also seek dispute resolution

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<sup>1</sup> For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

services from our FOIA Public Liaison. You may contact DHS-OIG's FOIA Public Liaison in any of the following ways:

FOIA Public Liaison  
DHS-OIG Counsel  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305  
Phone: 202-981-6100  
Fax: 202-245-5217  
E-mail: [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov)

Additionally, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

If you have any questions about this response, please contact Steven Phelps, FOIA/PA Disclosure Specialist, at 202-981-6338.

Sincerely,

*Steven G. Phelps*

Steven G. Phelps  
FOIA/PA Disclosure Specialist

Enclosure(s)